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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jenn-Tsang HWANG et al. Confirmation No: 5547
Appl. No. : 10/748,191
Filed : December 31, 2003
Title : COMPOUND AND DERIVATIVE OF GABAPENTIN

TC/A.U. : 1654
Examiner : T. S. Heard

Docket No.: : HWAN3031/REF
Customer No: : 23364

RESPONSE TO ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

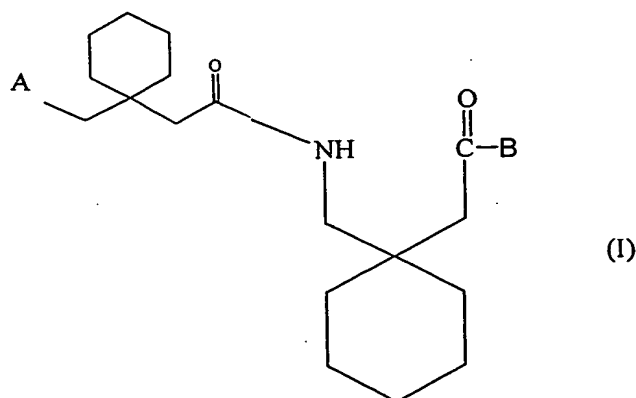
This is in response to the Official Action of November 3, 2004, in connection with the above identified application.

The Official Action is an election of species requirement in which it is indicated that the application contains claims directed to patentably distinct species which include a gabapentin compound and numerous derivatives of gabapentin. Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. Currently as stated claims 1-20 are generic.

In response to this election requirement, Applicants wish to elect the species of a gabapentin compound of claims 1-20 for the restriction. This election is made without traverse. Claims 1-10 are readable on the elected invention.

However, if this election is insufficient, Applicants further elect the compounds of claim 1 of formula (I) wherein A is $R_2-N(R_3R_4)$

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wherein B is R₁.

In this regard, the Examiner's attention is directed to the embodiment 2 set forth on page 11 as an ultimate species. This embodiment includes in the definition of the compound of claim 1 of formula (I) wherein A is R₂N(R₃R₄) wherein R₃ and R₄ are both hydrogen and R₂ is 1-methylene-1'-acetylcyclohexane and B is ethoxy. At least claims 1 and 11 are readable on the elected species.

An examination on the merits of the elected invention is now in order and is most respectfully requested.

Respectfully submitted,

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